

### REMARKS

Applicant is in receipt of a first Office Action from the United States Patent and Trademark Office with regard to the matter captioned above. In the Office Action papers, the examiner objected to the drawings under 37 CFR § 1.84(p)(4). Specifically, it was the examiner's position that reference numeral "58" had been used to designate both a telephone handset and a third database. Correction was required. In response, Applicant has amended the specification on Page 10 to identify the third database by reference numeral "59".

In reviewing the specification, a number of additional inconsistencies such as where a particular reference numeral was used to identify two different structural elements were noted. Similar amendments were made in the specification with regard to these additional inconsistencies. All amendments to the specification occur on Pages 10 and 11.

Please note that copies of drawing figures 3, 4 and 5 are enclosed herewith. Corrections in the specification were also made to the drawing figures by annotating in red the amendatory changes. It is requested that the changes to the drawing figures be approved and formal entry be allowed to be deferred until allowance of the case.

The examiner, when reviewing the application, examined

fourteen claims (that is, Claims 1-14). Claims 1 and 13 were objected to because of a number of minor informalities. Two minor informalities in Claim 1 have been corrected by amendment, and Claim 13 has been cancelled. In view of the cancellation of Claim 13, the objections with respect to that claim are moot.

Claim 7 was objected to under 37 CFR § 1.75(c). Specifically, the examiner felt that that claim was of improper dependent form for failing to further limit the subject matter of a previous claim. The examiner pointed out that such a failure to further limit the subject matter arose because a particular limitation was defined in a previous claim. In response to the position taken by the examiner, therefore, Applicant hereby cancels Claim 7.

Claim 10 was rejected under 35 U.S.C. § 112, first paragraph. The examiner felt that that claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the examiner felt that the specification failed to describe means for replicating at least one common information element regarding status of all potential call initiators from said first database in a reformatted presentation. In response to this rejection of Claim 10, Applicant hereby cancels that claim.

Claims 12 and 14 were rejected under 35 U.S.C. § 112, second

paragraph. Paragraph 8 of the Office Action papers lays out specific bases for this rejection. Applicant would submit, however, that this rejection is moot in view of the fact that, by this AMENDMENT document, Applicant cancels Claims 12-14.

The Office Action papers document a number of rejections on prior art grounds. Claims 1-3 and 5 were rejected under 35 U.S.C. § 102(b). In making this rejection, the examiner took the position that those four claims are fully anticipated by the teachings of United States Patent No. 5,161,180 (Chavous).

The examiner rejected Claims 12-14 on the same statutory basis. In making that rejection, the examiner took the position that those three claims were fully anticipated by the teachings of United States Patent No. 5,343,509 (Dounies).

Claim 4 was rejected under 35 U.S.C. § 103(a). It was the examiner's position that that claim was obvious, given the teachings of the Chavous reference, in view of teachings of the Doonies patent.

Claims 6-9 and 11 were also rejected under § 103(a) of the Patent Act. In making this rejection, the examiner took the position that, given the teachings of the Chavous patent, those five claims are obvious in view of the teachings of United States Patent No. 6,104,784 (Robbins).

Finally, with regard to prior art rejections, the examiner

rejected Claim 10 under 35 U.S.C. § 103(a). The examiner took the position that Claim 10 was unpatentable, given the teachings of Chavous, in view of the teachings of Robbins and Doonies.

In response to the action taken by the examiner, Applicant hereby amends his application. Claims 7, 10 and 12-14 have been cancelled. Consequently, the issue of rejection of these five claims on prior art grounds is moot.

By this AMENDMENT, Applicant hereby amends Claims 1 and 6, the only independent claims retained in the case. It is submitted that Claims 1 and 6 patentably distinguish over the prior art.

Claim 1 expressly defines an emergency message processor having "... (c) means for providing, from said information storage unit, emergency message individia (sic.), representative of the (sic.) transmission source implementing transmission to an emergency system database, **in response to implementation of transmission.**" The language highlighted above makes it clear that the emergency message indicia, representative of the transmission source implementing transmission, are provided to the emergency system database in response to implementation of transmission. This language does not require that a voice path be established for the functioning of the invention. Rather, all that is necessary is that action be initiated to implement transmission of the emergency message. Such language in Claim 1 distinguishes over any of the

prior art of record in that the references cited require completion of a voice path and some responsive interrogation from a public database. In so requiring responsive interrogation, a Public Safety Answering Point (PSAP) would, therefore, have to be provided with equipment for initiating interrogation once the call is completed.

It is clear that the art, as embodied in the references cited and applied, make for a complex and expensive situation. While the present invention allows operation and provision of emergency message indicia without the need of any equipment outside of the network having the transmission source of multiple transmission sources, such is not true with the systems of the prior art references. It would certainly detract from a salesman's sales pitch if a prospective purchaser of an emergency message processor came to realize that he needed to purchase not only his own emergency message processor, but also compatible interrogation equipment for multiple PSAPs. Not many sales would be made.

Claim 1 has been amended, however, to make it even more clear that mere initiation of a transmission by a source in a network is sufficient to provide necessary indicia to an emergency system database (for example, at a PSAP). This is accomplished by defining the information storage unit as being "associated with the network". "Network" in this context refers to the system which has

"related" multiple transmission sources.

Similar arguments are offered in support of the patentability of Claim 6. Claim 6 has been amended by defining the means for transmission as being activated "**upon initiation of an emergency call.**" Again, the call need not even be completed, and, certainly, no interrogation is required. It is submitted then that Claim 6 also defines patentable subject matter.

Claims 2-5 are dependent, either directly or indirectly, upon Claim 1; Claims 8-9 and 11 are dependent, either directly or indirectly, upon Claim 6. As such, they incorporate therein all of the limitations of the independent claim from which they depend and are patentable on the same basis as is the respective independent claim.

In view of the action taken by this AMENDMENT, and the arguments offered in support of patentability of the claims, it is sincerely believed that all claims retained in the application are in condition for allowance. Allowance of the application and passing of the case for further processing are, therefore, earnestly solicited.

The body of this AMENDMENT document includes the claims as they read after amendment. APPENDIX A attached hereto includes the claims in bracket and underlining amendatory format.

With respect to the specification, the body of this

PRELIMINARY AMENDMENT document includes amendatory format language.

Replacement pages are included in APPENDIX B.

Please charge any deficiencies or credit any over payment to  
Deposit Account 14-0620.

Respectfully submitted,

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By his attorney

Date

May 28, 2002

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